IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 4411 OF 2006

1. Samadhan Navnath Chandankar
2. Kailas Narayan Chandankar
3. Chandrakant Navnath Chandankar ...Applicants.

V/s.

The State of Maharashtra ... Respondent.

Shri J.D. Mane for the applicants.

Shri Rajesh More,A.P.P.for the respondent.

CORAM: S.C.DHARMADHIKARI, J.

DATED: 21.12.2006.

P.C.:

. This application is preferred by one of the applicants pursuant to the liberty granted by this Court in its order dated 21st August 2006. The applicant Nos. 2 and 3 had not approached this Court.

2. It appears that applications for bail preferred by all of them have been rejected by the trial Court by a common order dated 12th June 2006.

3. The Applicants' Advocate submits that this application is filed pursuant to the liberty granted to one of the applicants and on account of rejection of other applicants' applications for

bail by the trial Court. In support of his contention reliance is placed by the applicants' Advocate on the order passed by this Court in Criminal Application No. 2974 of 2006 and Criminal Application No. 2675 of 2006. The accused in the criminal case are the applicants in these applications. Therefore, co-accused have been enlarged on bail by this Court. This event is subsequent to the order dated 12th June 2006. Liberty granted by this Court to file fresh application for bail can be very well availed of by one of the applicants by approaching the trial Court again and pointing out that his case is on par with other accused who have been enlarged on bail by this Court. Similarly, other accused can always point out changed circumstances and events including the order of this Court enlarging the co-accused on bail. Whenever such contentions are raised and events pointed out, the trial Court is bound to apply its mind and pass appropriate orders in case the accused apply for bail. There is no doubt that if the applicants approach the trial Court for bail, such application can always be considered on merits and in the light of the orders passed by this Court. Keeping all contentions open, the present application is disposed of.

(S.C.DHARMADHIKARI, J.)